

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LORRAINE JOHNSON, Individually)	
and as Administratrix of the ESTATE OF)	
TERRY JOHNSON,)	
Plaintiff,)	
)	
vs.)	Civil Action No. 09-207
)	Judge Terrence F. McVerry/
STATE FARM LIFE INSURANCE)	Chief U.S. Magistrate Judge Amy Reynolds Hay
COMPANY,)	
Defendant.)	

ORDER

AND NOW, this 8th day of February, 2010, after the plaintiff, Lorraine Johnson, filed an action in the above-captioned case, and after a Motion to Dismiss was filed by defendant, State Farm Life Insurance Co., and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until February 1, 2010, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the motion to dismiss under Rule 12(b)(1) is DENIED. IT IS FURTHER ORDERED that the motion filed pursuant to Rule 12(b)(6) is GRANTED with respect to Johnson's claims for breach of fiduciary duty (Count II), fraud (Count III), common law bad faith (Count IV), breach of Unfair Trade Practice and Consumer Protection Law (Count VII), breach of duty of good faith and fair dealing (Count VIII), violations of the Unfair Insurance Practices Act (Count IX), and violations of Pennsylvania's bad faith statute (Count X), and DENIED as to plaintiff's claims for violating the Pennsylvania Viatical

Settlements Act (Count I), conversion (Count V), and breach of contract (Count VI). With respect to damages, however, IT IS ORDERED that the motion is GRANTED as to Johnson's claim for attorney fees under the Pennsylvania Viatical Settlements Act and claim for punitive damages for breach of contract.

s/ Terrence F. McVerry
United States District Judge

cc: Honorable Amy Reynolds Hay
Chief United States Magistrate Judge

Counsel of Record via CM-ECF